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MAYOR

CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEAL

2017 NOV -1 PM 2: 28

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CITY CLERK
SALEM, MASS

November 1, 2017

Decision

City of Salem Board of Appeals

Petition of SILVIA SOUZA seeking a special permit per Sec. 3.3.5 *Nonconforming Single and Two Family Structures* of the Salem Zoning Ordinance, to allow a 22' x 22' one story rear addition constructed within side yard setback the property of 44 IRVING STREET (Map 17 Lot 2)(R-2 Zoning District).

A public hearing on the above Petition was opened on September 20, 2017 pursuant to M.G.L Ch. 40A, § 11 and was continued to the next regularly scheduled meeting of October 18, 2017. The hearing was closed on October 18, 2017 with the following Salem Board of Appeals members present: Peter A. Copelas (Vice-Chair), Tom Watkins, Jimmy Tsitsinos, and Paul Viccica (alternate).

The petitioner is seeking a special permit per Sec. 3.3.5 *Nonconforming Single and Two Family Structures* of the Salem Zoning Ordinance, to allow a 22' x 22' one story rear addition constructed within side yard setback.

Statements of fact:

1. In the petition date-stamped August 28, 2017, the Petitioner requested a special permit per Sec. 3.3.5 *Nonconforming Single and Two Family Structures* of the Salem Zoning Ordinance, to allow a 22' x 22' one story rear addition constructed within side yard setback.
2. Gregori Zilli and Silvia Souza, petitioners, presented the petition.
3. The property is an existing two (2) family structure in an R-2 Zoning District.
4. The petitioner is proposing to construct a 20' x 22' rear addition. At the September 20, 2017 meeting, the Board requested that the petitioner provide elevation plans drawn to scale and also provide a plot plan that shows the proposed addition and associated parking area.
5. On September 20, 2017, the petitioner requested to continue to the next regularly scheduled meeting on October 18, 2017.
6. On October 18, 2017, the petitioner provided elevation plans drawn to scale and also provided a plot plan that showed the proposed addition and associated parking.
7. The petitioner is proposing to demolish an existing rear entryway, to be replaced by a 20' x 22' new addition. The petitioner is proposing to construct the addition within four (4) feet of the side yard setback, where ten (10) feet is required. The proposed flat roof of the single story addition will not be used as a roof deck.
8. The petitioner is also proposing to construct two (2) stairways within the side yard setback to provide an external second means of egress from the second floor unit on the side of the proposed addition within the side yard setback and a second egress for the first floor unit.

9. The requested relief, if granted, would allow the petitioner to construct a 20' x 22' one story rear addition constructed and two (2) stairways within the side yard setback in accordance with the plans dated October 18, 2017.

10. At the public hearing, no members of the public spoke in favor or in opposition to the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, makes the following **findings**:

Special Permit Findings:

1. There are social, economic and community needs served by the proposal
2. There will be no impacts to traffic flow and safety, including parking and loading
3. There will be no impact to the adequacy of utilities and other public services
4. There will be no impacts on the natural environment, including drainage
5. The proposal fits with the existing character of the neighborhood.
6. The potential fiscal impact, including impact on City and tax base and employment is positive.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted four (4) in favor (Peter A. Copelas (Vice-Chair), Tom Watkins, Jimmy Tsitsinos, and Paul Viccica (alternate) and none (o) opposed, to grant a special permit per Sec. 3.3.5 *Nonconforming Single and Two Family Structures* of the Salem Zoning Ordinance, to allow a 20' x 22' one story rear addition constructed within side yard setback and associated stairways in accordance with the submitted plans subject to the following **terms, conditions and safeguards**:

Standard Conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finished of the new construction shall be in harmony with the existing structure.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.

Peter A. Copelas (Vice-Chair)
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.